

### REMARKS

Claims 1-6 and 9-17 are pending in this application with claims 1 and 9 being amended and claims 7 and 8 being cancelled by this response.

#### Rejection of Claims 1-7 under 35 USC 102(b)

Claims 1-7 are rejected under 35 USC 102(b) as being anticipated by Neistradt, Badger or Hess.

The present claimed invention provides a portable planer for a single use support stand. The planer includes a portable planer disposed on a carriage. The carriage has front and rear opposing ends, a pair of opposing sides, a top and a bottom, a plurality of wheels disposed on said bottom of said carriage to permit the planer to roll on the wheels. A pair of rails receive the wheels so that the planer can roll on the rails. The rails are parallel to each other, spaced apart, and substantially horizontal. The rails have first and second opposing ends to permit the planer to move from one end to the other end. The rails also have a top and bottom. A support for the rails permits the planer to be disposed at an elevation above the ground. Means for attaching the rails to the support are provided whereby the pair of rails are secured to the support. A work piece support is disposed between the rails adjacent the bottom of the planer to permit a work piece to be placed on the work piece support so that the work piece can be contacted by the planer. A first planer blade is disposed on the planer. The first planer blade has a straight cutting edge for cutting a work piece. A second planer blade is disposed on the planer. The second planer blade has a curved blade for use with the first planer blade having the straight cutting edge for forming a product having a "D" shaped cross section.

Neistradt describes a terra cotta tooling machine. The machine, by means of which

molds for terra cotta blocks and the surfaces of marble or stone blocks can be tooled and striated with great rapidity and the expenditure of only a small amount of strength and labor on the part of the operator. The machine includes a base formed by two parallel metal plates spaced a short distance apart and provided with bearings within which is a rotatably mounted shaft which carries cutters. A motor is adjustably secured to the base and is connected to the shaft by a belt so it will rotate with the cutters. The machine is slidably mounted between parallel guide members which rest on the surface of the material to be tooled. However, as admitted in the Office Action, Neistradt neither discloses nor suggests "a second planer blade being disposed on said planer, said second planer blade having a curved blade for use with said first planer blade having said straight cutting edge for forming a product having a "D" shaped cross section" as in amended claim 1 of the present claimed invention.

Badger describes a method and apparatus for dressing stone. The dressing of stone is accomplished by employing two electrodes supplied with a current to form an arc which furnishes the desired heat. The electrodes are preferably mounted upon a suitable holder adapted to be manipulated by hand or automatic machinery to cause the arc to travel laterally or across the surface of the stone at the required speed. Suitable devices are employed to deflect the arc upon the stone-surface. The arcs more effectively remove the material if the latter is first dampened or cooled and the discoloration or crumbling is effectually prevented if the stone is cooled once after the passage of the arc over it. However, as admitted in the Office Action, Badger (with Neistradt) neither discloses nor suggests "a second planer blade being disposed on said planer, said second planer blade having a curved blade for use with said first planer blade having said straight cutting edge for forming a product having a "D" shaped cross section" as in amended claim 1 of the present claimed invention.

Hess describes an apparatus for routing wing skin panels for aircraft and the like. Hess contemplates an apparatus and method which is based upon the routing principle.

The routing machine includes a base frame resting upon a foundation such as a concrete floor and a work supporting bed of heavy cast metal in the form of a thick plate immediately mounted upon a series of structural I beam joists which rest astride a plurality of transverse beams of channel iron. The plurality of transverse beams are supported by posts. The posts rest upon and are secured by welding their lower ends to the base frame and their upper ends are provided with flanges which are secured to the I beams as by means of bolts extending through the flanges of the I beams as well as the flanges. However, as admitted in the Office Action, similarly to Neistradt and Badger, Hess neither discloses nor suggests "a second planer blade being disposed on said planer, said second planer blade having a curved blade for use with said first planer blade having said straight cutting edge for forming a product having a "D" shaped cross section" as in amended claim 1 of the present claimed invention.

Claim 1 has been amended to further include the features of "a first planer blade being disposed on said planer, said first planer blade having a straight cutting edge for cutting a work piece; and a second planer blade being disposed on said planer, said second planer blade having a curved blade for use with said first planer blade having said straight cutting edge for forming a product having a "D" shaped cross section" originally claimed in claims 7 and 8. Claim 8 has been indicated by the Examiner as allowable. In view of the amendments to claim 1 including the features of claims 7 and 8 it is respectfully submitted that claim 1 is now allowable. As admitted in the Office Action, none of Neistadt, Badger or Hess, when taken alone or in combination disclose the features of original claim 8. As these features are now included in original claim 1, it is respectfully submitted that claim 1 is not anticipated by any of Neistadt, Badger or Hess. As claims 2-6 are dependent on amended claim 1, it is respectfully submitted that these claims are also allowable for the same reasons as claim 1.

In view of the amendments to claim 1, the dependence of claims 2-6 on claim 1 and

the cancellation of claim 7, it is respectfully submitted that this rejection is satisfied and should be withdrawn.

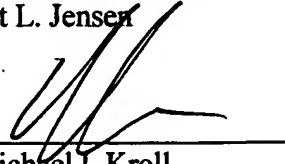
In view of the above remarks and amendments to the claims, it is respectfully submitted that the objections and rejections made in this Office Action have been satisfied and should be withdrawn. In view of the amendments to the claims, it is further respectfully submitted that all claims now pending (claims 1-6 and 9-17) are allowable and is respectfully requested that this application now be allowed to issue.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by Examiner's amendment, if the Examiner feels this would facilitate passage of the case to issuance.

Alternatively, should the Examiner have any questions, comments, or feel that a personal discussion might be helpful in advancing this case to allowance and issuance, he is cordially invited to contact Mr. Michael Kroll, Esq. at 171 Stillwell Lane, Syosset, New York 11791, telephone number (516) 367-7777, so that the present application can receive an early notice of allowance. The address and telephone number for Michael I. Kroll stated above is as listed on the original Power of Attorney.

No fee is believed due with this response. However, if a fee is due, please charge any fee due and not covered by an enclosed check to Deposit Account No. 500716.

Respectfully submitted,  
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